

July 9, 2014

Dear Environmental Quality Council,

Please find below a list of concerns regarding our involvement with the Oakes Disposal site outside of Glendive.

### **1. Public Participation in the Rulemaking Process:**

We specifically asked in the meeting with DEQ in Glendive last June how we could contribute/participate during the rulemaking process and DEQ sent around a sign up sheet so they could contact us when the rules were being discussed. I signed up but your email was the first (and ONLY to date) notice I ad that the committee was even meeting. This is not keeping the public informed and it is just like the initial permitting process that allowed the pit to be permitted in the first place. No meaningful public notice and a complete failure to follow up with questions the community posed. If they haven't had a chance to enter in the emails/contact information for those attending the June meeting DEQ sponsored in Glendive then they should not be scheduling a meeting to discuss rulemaking until they can enter the data and provide notice so that those who expressed a desire to participate may participate.

Frankly in the electronic era there is no excuse for failure to notify those that signed up for information on the rulemaking process and no excuse for not providing a way for Glendive folks to participate via Skype as traveling to Helena takes three days for us--one day up and back and one day for the meeting. And I think they should meet again as DEQ hasn't sent any notice to any of us nor have they posted anything in the Ranger or other publication so that we'd know the committee was meeting.

### **2. Solid Waste:**

While they claim the material they are hauling is solid waste, it's only made a solid for transport--it is not a solid when it comes out of the ground. To make it a solid waste they have to mix it with something and frankly judging from the multiple spills (which I'll get to later on) those mixing it have different standards for what a "solid" actually is. The stuff slops from trucks transporting to the pit on Highway 254. We need standards as to what they are mixing to make it a "solid" and how much so that is really is a "solid" and not slop.

### **3. Transporting the Waste:**

We are being told the transportation isn't part of DEQ's responsibility but there has to be some overlap/coordination between DEQ and MDOT due to the frequent and unreported spills occurring weekly along the transport route--two large spill occurring just this past week.

### **4. Issues/Problems with the Pit:**

DEQ says they are the entity responsible for permitting the pit, but they are not responsible for dozens of issues we've raised in the last six months; if they are not responsible for the fallout

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from the pit and transportation of the waste, they should not be permitting it. Whomever is responsible for the issues we've continually submitted over the last three months should be responsible for oversight and re-permitting.

I submitted more than a dozen questions to DEQ at the public meeting and still have not received any responses. I will forward the email I am referring to where DEQ says they are not responsible for the issue I was reporting and on the same email we find out the spills of 25 gallons or more are to be reported to DEQ when our county sanitarian has been operating under misinformation for as long as the pit has been permitted telling us and reporting to DEQ only those spills in excess of 50 gallons. If the county sanitarian is confused and operating under misinformation you can certainly see our frustration when trying to explain and have our issues addressed with the county, the sanitarian and/or DEQ with our issues.

### **5. Not Hazardous Waste?**

While DEQ can say under the current statute that the material being transported to the pit is "not hazardous" DEQ cannot tell us what chemicals are used in the fracking process as they have been held to be "proprietary". That does not mean that the chemicals used in fracking are not hazardous so the material that is being transported could very well be hazardous, but because it's unknown we are told it isn't hazardous. What we should admit is that we don't know if it's hazardous and we won't until someone actually finds out what chemicals are being transported to the pit which are extracted from the wells.

That's what I have so far and would ask that you read this into the record at the rulemaking meeting. I'm also attached the questions I gave to DEQ, the Dawson County Commissioners and MCS (DOT) at the meeting DEQ sponsored in Glendive in June. I also emailed these to Mr. Thanker after the June meeting.

The only person who has contacted me to respond has been Ms. Switzer in Richey who is with DOT/MCS.

Sincerely,

Maggie Copeland  
Glendive, MT